



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : McCarthy et al.
Serial No. : 09/766,511
Filed : January 19, 2001
Title : NOVEL GENES ENCODING PROTEINS HAVING PROGNOSTIC,
DIAGNOSTIC, PREVENTIVE, THERAPEUTIC, AND OTHER USES

Art Unit : 1646
Examiner : D. Jiang

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF AVAILABILITY

I, Laurie Butler Lawrence, hereby declare:

1. I am an attorney of record in the above-captioned patent application.
2. Millennium Pharmaceuticals, Inc. is the assignee of the entire right, title and interest in the invention described and claimed in the above-captioned patent application.
3. Under the terms of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure, an E.coli strain containing a human cDNA insert for the TANGO 405 gene disclosed in above-referenced patent application was deposited by Millennium Biotherapeutics, Inc. on July 23, 1999 with the American Type Culture Collection, 10801 University Blvd., Manassas, VA 20110-2209, USA, where it was given Accession Number PTA-424.
4. Millennium Pharmaceuticals, Inc. agrees that upon allowance and issuance of the above-captioned patent application as a United States Patent, all restrictions on the availability to the public of the deposits will be irrevocably removed, and until such time, the materials will be available during the pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.14 and 35 U.S.C. § 122.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

8/15/03
Date of Deposit

Cassandra Beepot
Signature

Cassandra Beepot
Typed or Printed Name of Person Signing Certificate

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Page : 2 of 2

Attorney's Docket No.: 10448-209001 / MPI00-
537OMNI

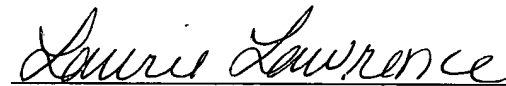
5. Millennium Pharmaceuticals, Inc. further agrees that the deposited materials will be maintained with all the care necessary to keep it viable and uncontaminated for a period of at least five (5) years after the most recent request for the furnishing of a sample of one of the deposited materials, and in any case, for a period of at least thirty (30) years after the respective deposit date for each of the deposits or for the enforceable life of the patent, whichever period is longer and that the deposited materials will be replaced if the depository should be unable to furnish a sample when requested due to the condition of the requested deposit, such as inviability, contamination, or loss of capability to function in the manner described in the specification.

6. All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

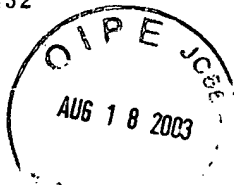
Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 8/13/03


Laurie Butler Lawrence
Reg. No. 46,593

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ATCC

MB1099-081

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Millennium Biotherapeutics, Inc.
Attn: Jixing Cai
640 Memorial Drive
Cambridge, MA 02139

Deposited on Behalf of: Millennium Biotherapeutics, Inc.

Identification Reference by Depositor:

Patent Deposit Designation

Escherichia coli strains containing plasmids with human cDNA inserts for the
gene 366, 351, 405 and 394, EpT366, 381, 351, 405, 394

PTA-424

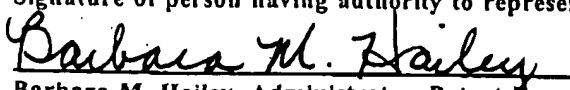
E. coli strains containing plasmids with human cDNA inserts for
the gene 364, 373 and 511, EpT364, 373, 511

PTA-425

The deposits were accompanied by: a scientific description X a proposed taxonomic description indicated
above. The deposits were received July 23, 1999 by this International Depositary Authority and have been
accepted.AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to
receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent &
Trademark Office or the depositor to release said strains.If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility
to replace them with living cultures of the same.The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most
recent request for a sample, whichever is longer. The United States and many other countries are signatory to
the Budapest Treaty.The viability of the cultures cited above was tested July 29, 1999. On that date, the cultures were viable.

International Depositary Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:


Barbara M. Hailey, Administrator, Patent Depository

Date: July 30, 1999

cc: Jean M. Silveri, Esq.